

67,008-076  
S-5656**REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 2, 4, 5, 7-9, 13, 19, 23, 24, and 27-30 are pending.

Claims 1, 2, 4, 5, 7, 23, and 24 were rejected under 35 U.S.C. §112, first paragraph. The Examiner argues that the phrase "rotationally fixed" raises a new matter issue since such description is not supported by the original specification or the drawings as filed. Applicant respectfully disagrees. Figure 2B, as well as each of the other sectional views, illustrates the rotationally fixed member mounted to a housing (not numbered). The power source (30) is mounted to the housing to rotate the second circular member within the rotationally fixed first circular member. Notably, the rotationally fixed first circular member is mounted directly to the housing with no indication of a component such as a bearing which would permit rotation relative to the housing. Furthermore, Figures 3, 4, and 5A-5H schematically illustrate the motion of Applicant's invention. None of these figures give any indication that the "rotationally fixed" member is anything but. That is, arrows are utilized to show movement of the movable members such that a proper interpretation of the lack of arrows is that the first circular member is "rotationally fixed." From the figures alone, but especially in combination with Applicant's specification and claims, Applicant respectfully submits that the phrase "rotationally fixed" is properly supported and that the phrase is not new matter. Applicant respectfully requests reconsideration.

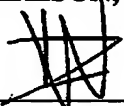
Claims 1, 2, 4, 5, 7, 23, and 24 were rejected under 35 U.S.C. §112, second paragraph. The Examiner suggests that the phrase "rotationally fixed" is indefinite because it is not clear what is meant by "rotationally fixed." Applicant's usage of the phrase "rotationally fixed" is definite as the claimed two-cusp hypocycloid path would be unachievable were the first circular member not be "rotationally fixed." Furthermore, the claims specifically recite a crank which mounts said second circular member, said crank rotatable about said first axis and a rotationally fixed first circular member defined about the first axis such that the claim is definite with regard to the rotationally fixed first circular member being fixed relative to the first axis. Notably, this is how the Examiner properly interpreted the phrase in question. Applicant respectfully requests reconsideration.

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Claims 1, 2, 4, 5, 7, 23, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by *Kanski* (2309172). As admitted by the Examiner, *Kanski* discloses a rotatable first circular member that is fixed to an axis of rotation, it does not disclose, teach or suggest a rotationally fixed first circular member 64 as claimed by Applicant. Thus, should the Examiner properly withdraw the 35 U.S.C. §112 rejections, the claims are properly allowable over *Kanski* because *Kanski* cannot meet the limitation of a rotationally fixed first circular member. Applicant respectfully requests reconsideration.

In the Response to Arguments section, the Examiner specifically states that liberty has been taken so as to construe the meaning of the phrase in question to mean "rotatable and fixed to the axis." Applicant submits that such "liberty" is improper. As discussed above, Applicant respectfully notes that by properly interpreting the term "rotationally fixed," this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,  
**CARLSON, GASKEY & OLDS, P.C.**

  
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